

RID (Rule Interpretation Decision)

(Use additional sheets as necessary)

Type of RID	Requested Response Time	DSD Assigned RID # 90
Customer RID <input type="checkbox"/>	24 hours <input type="checkbox"/>	
Internal Staff RID <input checked="" type="checkbox"/>	5 working days <input type="checkbox"/>	
	As time available <input checked="" type="checkbox"/>	

1. Project Name: Requirements for Live Work Units

2. Project Number: Building Permit Number 1649972
(Plat #, Zoning Case #, etc.)

3. Project Street Address: 5231 San Pedro
(If not available nearest intersection of two public streets)

4. Applicant Name: Planning and Development Service Staff
Plans & Permits

5. Applicant Address: 1901 S. Alamo
San Antonio, Texas 78204

6. Applicant Telephone #: (210) 207-8281

7. Applicant e-mail Address: NA

8. Rule in Question:

The requirements for live work units in Section 35-381 Mixed-Use Buildings and Live-Work Units of the Unified Development Code state that the uses permitted on the first floor are commercial or office only, while the uses permitted on the second floor and any higher floor are residential only. The property at 5231 San Pedro was rezoned by City Council from R-4 to R-4 CD AHOD" Conditional Use for a Professional Office in case number Z2010099 CD. The home on this property is a one story structure. The home is approximately 2,100 square feet. While the property was rezoned to remain residential to allow for the office use, the UDC under Section 35-381 does not allow a portion of the first floor to be residential even though the zoning case went forward as R-4 CD allowing a residence. The property can not be considered a home occupancy under Section 35-378 since there will be an employee in the structure. The property can be totally converted to an office under the UDC Section 35-381, but the owner would not be allowed to live there.

9. Applicant's Position: NA

(Including date position presented and name of city staff point of contact)

Date: **Contact:** **Contact Telephone #:**

10. Staff Finding:

(Including date of finding and name of city staff person formulating finding)

Date: 08/24/2010 **Contact:** Richard Chamberlin **Contact Telephone #:** (210) 207-8281

The 2009 International Building Code allows a Live Work Unit (Occupancy Classification - Residential Group R-2). Section 419 defines a live work unit as a dwelling unit in which a significant portion of the space is a non-residential use, operated by the tenant. The IBC states that the total space must be less than 3,000 square feet, the non-residential portion can be up to a maximum of 50% of the unit, the non-residential space is limited to the first floor and there can be a maximum of five non-residential workers or employees allowed to occupy the non-residential area at one time. The 2009 IBC does not require that the residential portion be limited to a second or higher floor/story. This conflicts with the UDC Section 35-381.

The 2009 IBC specifically has requirements for means of egress, vertical openings (for more than one story), fire protection, structural, and ventilation for a Live Work unit, thus allowing for a safe work and living environment even if the first floor contains both a residential and a commercial portion.

11. Staff Position:

(Including date position presented internally and name of city staff person formulating position)

Date: 08/24/2010 **Contact:** Richard Chamberlin **Contact Telephone #:** (210) 207-8281

Staff finds that it is appropriate to allow the first floor of a Live Work Unit to have both a residential component and a commercial or office component as long as that live work unit complies with the 2009 IBC and meets the rest of the UDC requirements for a Live Work unit.

12. Departmental Policy or Action:

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director of Development Services)

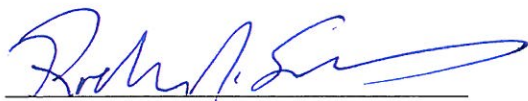
Date of policy/action: 08/27/2010 **Effective Date of policy/action:** 08/27/2010

The Director finds that the following policy and UDC interpretation is valid and to be followed by Development Services staff.

Section 35-381 shall include a new addition to the Distribution of Uses adding ‘, and Residential” as follows:

Development Standards	Mixed-use Building	Live-Work Units
Distribution of Uses	By floor (see below)	By floor (see below)
• Uses permitted on first floor	Retail, Office, Industrial	Commercial or Office, and Residential

Staff is directed to allow first floors of a live work unit to meet the requirements of the 2009 IBC regarding both non-residential and residential uses permitted on the same floor. Staff is directed to proceed with a UDC amendment in the next amendment cycle.



Roderick Sanchez, AICP, C.B.O
Director Planning and Development Services Department